

## I. CALL TO ORDER

### III. DETERMINATION OF QUORUM

## V. OLD BUSINESS

- ## VI. NEW BUSINESS

- ## VII. COMMUNICATIONS

- ## VIII. PUBLIC COMMENT

- ## IX. ADJOURNMENT

## AVAILABLE JOBS FOR ELIGIBLE U.S. WORKERS

### 10 - STRUCTURAL STEEL WORKER WITH 1 YEAR EXP. \$15.63 PER HOUR

Erect, place, and join steel girders, columns, and other pieces to form structural frameworks. May assemble precast metal buildings and the cranes and derricks that move materials and equipment around the construction site. Bolts aligned structural steel members in position for permanent riveting, bolting, or welding into place. Reads and follows blue prints. Signals crane operators who lift and position structural and reinforcing iron and steel. Erects metal and precast concrete components for structures such as buildings, bridges, towers, storage tanks, and fences. Uses shears, rod-bending machines, torches, hand tools and welding equipment to cut, bend and weld the structural reinforcing iron and steel.

### 15 - CARPENTER WITH 1 YEAR EXP. \$15.58 PER HOUR

Construct, erects, installs and repairs structures and fixture of wood, plywood and wall board using carpenters hand tools and power tools, conforming to local building codes. Studies blueprints, sketches or building plans for information pertaining to the type of material required such a lumber or fiber board and dimension of structure of fixture to be fabricated. Selects specific type of lumber materials. Prepares layouts using ruler, framing square of clippers. Marks cut or assembly line on materials using pencil or chalk marking gauge. Shapes materials to prescribed measurement using saws, chisels, and plans.

### 5 - CEMENT MASON WITH 1 YEAR EXP. \$15.66 PER HOUR

Smoothest/Finishes surface of poured concrete such as floors, walls, sidewalks, and curbs to specified texture using hand or power tools including floats, trowels, and screeds. Spreads soft concrete to specified depth and workable consistency using float to bring to surface and produce soft topping. Levels, smooths, and shapes surfaces of freshly poured concrete using straightedge, float or power screed. Finishes concrete using power tools, trowels, and rubs concrete with abrasive stone to impart finish. Lays concrete block and mixes cement using shovel, hand tools or mixing machines.

**Benefits:** Free roundtrip airfare for off-island hire; Food & Lodging @ \$80.00 per week; Local transportation from employer's designated lodging facility to/from jobsite.

Off-island hires must complete a health screening prior to working in Guam.

*The job offer meets all EEO requirements, and initiates a temporary placement. The recruitment associated with this job offer is closely monitored by the Department of Labor. Qualified, available and willing U.S. workers are highly encouraged to apply. Should you qualify for the job and are not hired, you may appeal with the Department of Labor who will independently review matter.*

**The complete job duties may be viewed in person at American Job Center  
414 W. Soledad Avenue, Suite 300 GCIC Building, Hagatna, Guam  
Or apply online at [www.hireguam.com](http://www.hireguam.com); Enter Keyword : 2024-046**

## PUBLIC NOTICE

### THE DEPARTMENT OF THE NAVY ANNOUNCES A FIVE YEAR REVIEW FOR ANDERSEN AIR FORCE BASE LAND USE CONTROL SITES

The Department of the Navy announces that a five-year review will be conducted for the Andersen Air Force Base (AAFB) Installation Restoration Program (IRP) Land Use Control (LUC) Sites located on AAFB, Guam. Response actions on these IRP LUC Sites were accomplished in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which requires that a five-year review be performed. The review will be conducted in accordance with the United States (U.S.) Environmental Protection Agency (EPA) Five-Year Review guidance, with the Navy serving as the lead agency.

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- Site 3A, Waste Pile 3
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- Site 54A, Building 18006
- Site 64A, Asphalt Drum Area

The Department of the Navy recognizes the importance of public participation in the AAFB LUC Programs and encourages your involvement. To facilitate public participation, the Navy will conduct community involvement activities that include updates and briefings. Please look for more details regarding these community activities to be published at a later date. In addition, the draft Five-Year Review report will be available for public review at the Nieves M. Flores Memorial Library, 254 Martyr Street, Hagatna, Guam. Questions and comments on the five-year review process may be sent to [Guam-ERN-Public-Meeting@us.navy.mil](mailto:Guam-ERN-Public-Meeting@us.navy.mil).



## JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center  
120 West O'Brien Drive, Hagatna, Guam 96910-5174  
Tel: (671) 475-3300 Fax: (671) 475-3140  
[www.guamcourts.org](http://www.guamcourts.org)

### NOTICE OF PUBLIC MEETING

The Judicial Council of Guam will conduct its monthly meeting on **Thursday, March 28, 2024, at 12:00 p.m.** in the Monessa G. Lujan Appellate Courtroom, Guam Judicial Center, 120 West O'Brien Drive, Hagatna.

The meeting will also be streamed live on the Judiciary of Guam YouTube:  
<https://youtube.com/TheJudiciaryofGuam>

The following agenda is available on the Judiciary of Guam website:  
<http://www.guamsupremecourt.com/Judicial-Council/Judicial-Council-of-Guam.asp>

- |       |                                  |   |
|-------|----------------------------------|---|
| I.    | CALL TO ORDER                    |   |
| II.   | PROOF OF DUE NOTICE OF MEETING:  | March 21, 2024<br>March 26, 2024  |
| III.  | DETERMINATION OF QUORUM          |   |
| IV.   | READING AND DISPOSAL OF MINUTES: | February 15, 2024 Regular Meeting   |
| V.    | OLD BUSINESS                     |   |
|       | A.                               | Judiciary FY 2024 Remittances Pursuant to Applicable Law  |
|       | B.                               | Update on Capital Improvement Projects  |
|       | C.                               | eCourts and eProbation Transition   |
|       | D.                               | Resolution, JC 24- Relative to Recommending Approval of Proposed Amendments to the Superior Court of Guam Interim Traffic Court Rules |
| VI.   | NEW BUSINESS                     |   |
|       | A.                               | Resolution, JC 24- Relative to Updating the Judiciary's Classification and Compensation Policy  |
|       | B.                               | Resolution, JC 24- Relative to Proclaiming the Month of April as Second Chance Month 2024   |
|       | C.                               | Notice of the Next Meeting (Monday, April 22, 2024)   |
| VII.  | COMMUNICATIONS                   |   |
|       | A.                               | State of the Judiciary Address (Wednesday, May 1, 2024)   |
| VIII. | PUBLIC COMMENT                   |   |
|       | A.                               | Guam Bar Association - President's Report   |
|       | B.                               | Court Employees Association   |
| IX.   | ADJOURNMENT                      |   |

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Administrator of the Courts at 671-475-3544 or Jessica Perez-Jackson at 671-475-3300.

This ad was paid for with Government of Guam funds.

CHIEF JUSTICE ROBERT J. TORRES  
Chairman

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- PWC Site 39, MARBO Power Plant (North and Central Guam)
- PWC Site 2810, Construction Battalion Landfill (North and Central Guam)

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*I Mina'trentai Siette na Liheslaturan Guåhan*  
WILL CONVENE LEGISLATIVE SESSION FOR THE

## *State Memorial Service*

HONORING THE LATE HONORABLE

*William "Don" Parkinson*

FORMER SPEAKER OF *I Liheslaturan Guåhan*

THURSDAY, MARCH 28, 2024, 2:00 P.M. IN THE  
SPEAKER ANTONIO R. UNPINGCO LEGISLATIVE SESSION HALL  
GUAM CONGRESS BUILDING  
163 CHALAN SANTO PAPA, HAGĀTÑA, GUAM

TUNE IN LIVE ON:

Legislature Channel (GTA 21, Docomo 117/112.4)  
YouTube: Guam Legislature



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★★★★

Hon. Robert J. Torres  
Chairman

Hon. Katherine A. Maraman  
Member

Hon. F. Philip Carbullido  
Member

Hon. Alberto C. Lamorena, III.  
Member

Hon. Maria T. Cenzone  
Member

★★★★

Advisory Committee Members:

Hon. Arthur R. Barcinas

Hon. Vernon P. Perez

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Hon. Alberto E. Tolentino

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

★★★★

Administrator of the Courts:  
Danielle T. Rosete

Judicial Council Secretary:  
Jessica J. Perez-Jackson

Judicial Council Asst. Secretary:  
Petrina M. Ula

## JUDICIAL COUNCIL OF GUAM REGULAR MEETING WEDNESDAY, FEBRUARY 15, 2024 Justice Monessa G. Lujan Appellate Courtroom Guam Judicial Center

### MINUTES

#### I. CALL TO ORDER

The Regular Meeting of the Judicial Council was called to order by the Chairman, Chief Justice Robert J. Torres, at the hour of 12:03 p.m.

#### ROLL CALL:\*

Chief Justice Robert J. Torres

Justice F. Philip Carbullido

Justice Katherine A. Maraman

Presiding Judge Alberto C. Lamorena III (Via Zoom videoconference platform)\*

Judge Maria T. Cenzone

Appearing via Zoom videoconference platform:\*

Attorney Jacqueline T. Terlaje, Guam Bar Association President\*

Also present in the Monessa G. Lujan Appellate Courtroom:

Ms. Danielle T. Rosete, Administrator of the Courts

Ms. Suzane P. Santiago-Hinkle, Staff Attorney

Mr. Andrew T. Perez, Staff Attorney

Ms. Sarah Elmore Hernandez, Director of Policy Planning & Community Relations

Ms. Ma. Dianne O. Gudmalin, Finance Administrator

Mr. Mardave Jose Toledo, Deputy Administrator, Financial Affairs

Ms. Barbara Jean T. Perez, Human Resources Administrator

Ms. Rossanna Villagomez-Aguon, Chief Probation Officer

Mr. Troy D. M. Pangelinan, Marshal of the Court

Mr. Joseph Leon Guerrero, Deputy Chief Marshal

Ms. Hannah Gutierrez Arroyo, Clerk of Court, Supreme Court

Ms. M. Erica R. Eschbach, Staff Attorney, Supreme Court

Ms. Geraldine A. Cepeda, Compiler of Laws

Ms. Marcelene C. Santos, Public Guardian

Ms. Sophia Santos Diaz, Clerk of Court, Superior Court

Ms. M. Grace Lapid Rosadino, Acting Court Programs Administrator

Mr. Carl V. Dominguez, Procurement and Facilities Management Administrator

Ms. Lisa V. Baza, Senior Judicial Therapist, Client Services and Family Counseling Division

Mr. Jesse C. Franquez, Deputy Clerk Supervisor, C&M Division & IFIK President

Ms. Shelterihna Alokoa, Judicial Assistant & Supreme Court Technical Bailiff  
Ms. Jessica Perez-Jackson, Administrative Services Officer, Judicial Council Executive Secretary  
Ms. Petrina M. Ula, Judicial Assistant, Judicial Council Assistant Secretary

## **II. PROOF OF DUE NOTICE OF MEETING**

Due publication of the five-day Notices of Meeting of the Judicial Council, as required under the Open Government Law, was published in the Guam Daily Post. Acknowledgments are on file.

## **III. DETERMINATION OF QUORUM**

**Chief Justice Torres began the roll call. Chief Justice Robert J. Torres, Associate Justice F. Philip Carbullido, Associate Justice Katherine A. Maraman, and Judge Maria T. Cenzone identified themselves. Presiding Judge Alberto C. Lamorena III appeared via Zoom teleconferencing platform. This meeting determined a quorum with all 5 (five) Judicial Council members present.**

## **IV. READING AND DISPOSAL OF MINUTES: January 17, 2024 regular meeting minutes**

**Judge Cenzone moved to approve the January 17, 2024 regular meeting minutes. Presiding Judge Lamorena seconded the motion. Chief Justice Torres noted that Ms. Jessica Perez-Jackson sent corrected minutes on February 14, 2024. He called an oral vote. With no discussion, the five (5) Judicial Council members voted in favor; the corrected minutes were approved, subject to correction.**

## **V. OLD BUSINESS**

### **A. Judiciary FY24 Remittances Pursuant to Applicable Law**

Ms. Gudmalin reported that in reference to the collection of allotments for General Operations P.L. 36-107, the Judiciary of Guam received approximately 38%, or \$15.5 million, of the total appropriated amount of \$40.4 million. She added that the Judiciary continues to receive a biweekly allotment in a timely manner, with the latest allotment deposited on February 9, 2024, and the next allotment scheduled to be received on February 20, 2024.

## **B. Update on Capital Improvement Projects**

Ms. Danielle T. Rosete, Administrator of the Courts (AOC), provided an update on the capital improvement projects, particularly the restoration of the Historic Courthouse. She noted that the alternate designs for the electrical work were completed by the engineer and presented to the Department of Public Works (DPW). Ms. Rosete stated Mr. Carl Dominguez, the Procurement and Facilities Management Administrator, is working with a representative from DPW to expedite the review of the alternate electrical design, and once approved; the contractor can proceed to complete the electrical work, which would take approximately two weeks. She said the vendor is completing the installation of the second-floor cubicle workstations. Ms. Rosete noted that minor electrical and lighting jobs, tiling, and installation of the Probation Division intake counters are ongoing on the first floor. She explained that the exterior painting is almost complete, with ongoing work on the stone façade. Ms. Rosete invited the Council to visit the site to view the work site. Mr. Dominguez is working with the contractor to determine the scheduling of a pre-final inspection. She noted that they continue weekly meetings with the contractor to press for the target completion date.

Chief Justice Torres noted that a soft opening is planned and that the official ribbon cutting is planned for the afternoon of July 5, 2024.

## **C. eCourts and eProbation Transition**

Ms. Rosete updated the Council members about the migration and new case management system, called eCourts and eSupervision or eProbation, with the current vendor, Journal Technologies. She shared that the focus has been on the eCourts module, and the case structures for the Superior Court are almost complete. She noted that the work of Supreme Court subject matter experts on their case structure is ongoing. Ms. Rosete said the next step is navigating cases to the new system. She noted that workflows have been tested. Ms. Rosete explained that the Financial Division has also been working with the vendor to address the financial components tied to the system. She added that an overview and end-user demonstration will be planned once a plan is developed. Then, she said, a similar process will be followed for migration to the eSupervision module.

Chief Justice Torres asked if the target date to go live is mid-year. Ms. Rosete said the developments in the next 60 days will help her project the timeline.

## VI. NEW BUSINESS

### A. Resolution, JC 24 – Relative to Recognizing March 1-10 as National Judicial Outreach Week

Chief Justice Torres said that March 1-10 is recognized every year as National Judicial Outreach Week by the Judicial Division of the American Bar Association; he added that the Council is being asked to join in the recognition. Chief Justice Torres explained that the Judiciary would hold programs during the recognition week, including judging mock trials. **Presiding Judge Lamorena motioned to approve the Resolution; Judge Cenzone seconded the motion. Chief Justice Torres called for oral votes; the Resolution passed unanimously.**

### B. Resolution, JC 24 – Relative to Recommending Approval of Proposed Amendments to the Superior Court of Guam Interim Traffic Court Rules

Chief Justice Torres asked Ms. Sophia S. Diaz, Clerk of Court for the Superior Court, to report on this item. Ms. Diaz requested the Council to consider making a recommendation to the Supreme Court of Guam to amend the Superior Court of Guam Interim Traffic Court Rules. She noted that through Ms. Jeanette Roberto, the Judiciary's Traffic Bureau clerk, the Judiciary received an inquiry from the Department of Agriculture Division on Animal Health relative to the jurisdiction of the Traffic Court to hear violations of an act known as Protecting Animal Welfare and Safety or the ("PAWS") Act or Puga's Law. She added that the PAWS Act was codified in Title 9 of the Guam Code Annotated (GCA) Chapter 70 and provides for several violations that appear appropriate for hearing before the Traffic Court, including animal neglect at 9 GCA Section 70.20, failure of a motorist to render aid to an injured animal at 9 GCA Section 70.55, and leaving animals unattended in motor vehicles at 9 GCA Section 70.60. Ms. Diaz noted that the PAWS Act includes crimes that are misdemeanors and felonies, which would not be subject to the Traffic Court's jurisdiction; the request is limited to violations that are appropriate before the Traffic Court for hearing. She explained that the draft rules, with the changes, were included in the Council's packet with the draft resolution.

Chief Justice Torres noted that the Interim Traffic Court rules were promulgated by the Supreme Court of Guam and adopted in 2014 and 2020; he further said that the rules that were included in the packet still reference them as Interim Traffic Court rules and say that they will be 'interim' until promulgated by the Supreme Court of Guam. He asked if the recommendation to the Supreme Court of Guam should be adopted as permanent rules and if the 'interim' reference should be dropped. Ms. Diaz agreed that the recommendation should be that the Traffic Court rules be adopted as permanent rules. She said they are ready for finalization, and if, at the Traffic Bureau level, any considerations or concerns are found, they will take them to the Council for recommendation to the Supreme Court of Guam. Justice Carbullido noted that the resolution recommends the adoption of the final permanent Traffic Court Rules by the Supreme Court of Guam.

**Chief Justice Torres called an oral vote.** Presiding Judge Lamorena noted that the Guam Legislature changed the jurisdiction of the Traffic Court to a civil court and that the PAWS Act under 9 GCA Section 70 is a criminal statute. He asked if this created a conflict. Ms. Diaz stated that the proposed language for consideration for recommendation to the Supreme Court of Guam articulates that it would be limited in scope to those provisions that are violations, expressly, the three violations noted earlier, that are punishable by no more than a fine. She stated that the language adequately covers the limitations of the scope, but if the Council prefers a more specific language, it can be amended accordingly. Justice Carbullido noted that Ms. Diaz pointed out that the language limits the Traffic Court's jurisdiction to the civil violations under the PAWS Act.

Chief Justice Torres invited Ms. Suzanne Santiago-Hinkle, Staff Attorney, to comment. She said that the Legislative consent specifically states civil liabilities and criminal penalties, so they were contemplated when the legislation was adopted. Ms. Santiago-Hinkle noted that although the statute is found in the criminal code, Title 9, civil liabilities are contemplated in the legislation. **Presiding Judge Lamorena requested that the Resolution be tabled until the next meeting; Chief Justice Torres agreed and asked legal counsel to provide a clarifying written memorandum to the Council. There was no objection from the Council to tabling the Resolution.**

#### **C. Resolution, JC 24 – Relative to Updating the Attorney Pay Plan**

Chief Justice Torres reminded the Council that prior discussions of the Attorney Pay Plan (APP) revealed that Judiciary attorneys were some of the lowest paid in the Government of Guam. He noted that, to address this, the Council adjusted the Attorney salaries by a total of 22% after the Legislature appropriated funds, to take effect on October 1, 2023, the beginning of the fiscal year. The Chief Justice noted that the salary increase was based on the Judiciary's Human Resources Department's (HR) study of the local labor market and other court jurisdictions. At the time of the recommendation, he added that while the recommended salary increase could have been higher, HR aimed for a reasonable, fair, and fiscally responsible amount. Chief Justice Torres stated that shortly after the Legislature directed that the Department of Administration (DOA) begin working on a pay study for all Government of Guam attorneys. He noted that the DOA contacted HR for information on the study they conducted. Chief Justice Torres said that the DOA recommendation, outlined in Exhibit A in the Council's packet, was a total % salary increase of 24%. He explained that the Governor approved DOA's recommendation, and the increase is being implemented Government-wide. To avoid disparity, the aim of the Resolution before the Council is to increase the Judiciary's APP in line with the DOA recommendation.

Ms. Barbara Jean Perez, Human Resources Administrator, explained that in keeping with the Judiciary's philosophy of internal equity and external competitiveness, and after the study of attorney salaries, the recommendation was to increase salaries by 22%. She further recommended the adoption of the proposed update to attorney pay scales up to 24% to ensure parity and attract and retain attorneys. She noted that the judiciary has recently experienced difficulties in attracting law clerks. Ms. Perez said that the proposed increase includes an increase in law clerk salaries.



Justice Carbullido noted his support for the increase, but he asked if adjusting the APP correspondingly increased the salaries of the Superior Court since these salaries are \$2,000.00 more than the salaries of the Judiciary's highest-paid attorneys. Ms. Perez confirmed that this was the case. He noted that the Superior Court judges deserve a competitive salary when compared nationwide. Justice Carbullido asked if the salary of the Presiding Judge, to which the Supreme Court justices' salaries are tied, would be affected; Ms. Perez stated that it would not. Justice Carbullido noted that the gap between the Superior Court judges' salaries and the Presiding Judge's salary will continue to narrow. **Justice Maraman moved to amend the second "Be It Resolved" clause of the Resolution to add "increment dates are not affected by this adjustment" and for the adoption of the Resolution.** Ms. Perez confirmed that all increment dates would remain the same. **Judge Cenzon seconded the motion. Chief Justice Torres called for an oral vote on the amendment; the amendment passed unanimously. The Chief Justice then called for an oral vote on the Resolution as amended; the amended resolution passed unanimously.**

#### **D. Timekeeping System**

Ms. Rosete provided a general overview and update on the implementation of Implementation of the new automated timekeeping system, UKG. She noted that the system is expected to track employee timesheets and leave requests effectively, replacing the current manual process. Ms. Rosete said that to ensure that the new system is implemented correctly, several division managers from HR, the Finance division, and legal staff were designated to work on comprehensive timekeeping policies and standard operation procedures that will govern its use, line up with the Judiciary's personnel rules and regulations. She added that the team has worked with the vendor to map out the use of features of the system. Ms. Rosete explained that tests of the system started last month; feedback and suggestions were requested from users and passed along to the vendor. She said the anticipated 'go live' date is March 10, 2024, requiring all employees to use the system. Ms. Rosete stated that training is ongoing; a general overview will be provided to the Judicial Officers at the next Combined Robes meeting.

Ms. Gudmalin noted some of the benefits of the system, including the ability to request leave electronically using the mobile app. She said that this feature will eliminate most paper document leave requests. Ms. Gudmalin provided a list of additional beneficial features, including tracking leave balances, military leave balances, computation of night differential, and more. She noted that, to the benefit of the management officers, the system would interface with the payroll system, eliminating the need for manual input of time roll. Ms. Gudmalin also listed the reporting features, including tracking who was in the building during the emergency.

Justice Carbullido asked if remote work would be allowable under the new system. Ms. Gudmalin said that the new system requires employees to clock in and clock out in real-time when connected to a Judiciary facility network; however, if they are working remotely, they would have to submit a change request through the system to their manager, who would have to acknowledge and approve the request, if authorized. Justice Carbullido asked what would happen if there was a discrepancy between a supervisor and a staff member regarding tracking hours worked. Ms. Gudmalin stated there would have to be a collaboration between the manager and the employee, but that final authority lies with the manager per the Judiciary's personnel rules. Judge Cenzone asked if written protocols would be provided and how overtime would be handled. Ms. Gudmalin reiterated that comprehensive timekeeping policies and standard operation procedures that align with the Judiciary's personnel rules and regulations will be provided. She added that video tutorials for employees are in the works as well.

Justice Maramba asked how emergencies, like if a Probation Officer gets called out to execute a warrant after hours, would be handled. Ms. Rosete stated that the employee would submit a change request to the supervisor upon returning to work the following day, not in real-time. She added that training for Judicial Officers would be provided at the next meeting Combined Robes meeting.

#### **E. Notice of the Next Meeting (Thursday, March 28, 2024)**

Chief Justice Torres stated that the next Judicial Council meeting will be held on Thursday, March 28, 2024, not Thursday, March 21, 2024. The Council did not object.

### **VII. COMMUNICATIONS**

- A.** Presiding Judge Lamorena re-appointed Judge Maria T. Cenzone to the Judicial Council.
- B.** Staff Attorney, Mr. Andrew Perez, reminded the Council that at the December 2023 Judicial Council regular meeting, a request from the family of Judge Unpingco was read into the record. He said that the letter requested support from the Judicial Council in the renaming of the District Court of Guam courthouse to honor Chief Judge John Sablan Unpingco and that communication would be directed to the Congressional Delegate, James Moylan. Mr. Perez stated that after reviewing the statutes that outline the rules of the Judicial Council, he concluded that the statute does provide the powers for the Judicial Council and that the Council can make recommendations; however, it limits those recommendations to the Governor and the Legislature. He added that it does not provide any powers to the Judicial Council to go outside of those limitations; the applicable statute is 7 GCA Section 5.02 and Judicial Council Rules under Article 4.01. Mr. Perez recommended that the Council not communicate with Congressman Moylan regarding the request.

Chief Justice Torres asked, on behalf of the Presiding Judge, if the individual Council members could communicate with Congressman Moylan about renaming a private building vs. a public building. Mr. Perez stated that whether or not an individual Judicial Officer could make the recommendation is governed by the Model Code of Judicial Conduct, more specifically under Canon 4, which dictates extra Judicial activities. He added that the Judicial Officer may make the recommendation; however, the analysis would have to be made by the individual Judicial Officer whether or not their circumstances and facts would allow them. Mr. Perez stated that since the building is privately owned, the recommendation would show impropriety or the appearance of impropriety.

Justice Carbullido asked about the scope of the recommendations the Judicial Council can make; he offered that earlier in the meeting, the Council made a recommendation to the Supreme Court of Guam to adopt the Traffic Rules. Mr. Perez explained that the Council's recommendations to the Governor and Legislature pertain to the administration of justice; he added that separate rules govern making recommendations to the Supreme Court of Guam. Chief Justice Torres said that under 7 GCA, Section 5.102, under the powers of the Council, specifically sub-section C, the Council can make recommendations to the Governor and Legislature regarding the administration of justice as deemed proper while naming the building could be within that parameter since the request was to make the recommendation to the Congressional Delegate, it is not allowable.

Presiding Judge Lamorena asked for clarification on the ability of Judicial Officers to make the recommendation individually; Mr. Perez stated that it is up to the individual Judicial Officers to decide on their own.

## **VIII. PUBLIC COMMENT**

### **A. Guam Bar Association Board (GBA) – President's Report**

Guam Bar Association President Attorney Jacqueline T. Terlaje reported that the GBA Board of Governors approved the Annual Meeting on March 19, 2024, which will include 2 to 3 hours of CLE. She noted that the venue is still pending.

Ms. Terlaje added that a written request will be forwarded to the Judiciary for the University of Guam Protec Award to place the juris doctorate and other related legal professions back on the employment priority list for 2024. She noted that the modification should be in March or April 2024, so the letter will be transmitted next week.

Ms. Terlaje asked that the Judiciary act on the GBA's request to adopt a confidentiality rule to support the planned lawyer assistance program, which is identical to the rule adopted by the NY State Bar Association's rule. She noted that adopting the same rule would give confidence to the providers located in New York and enable them to provide services here through online teleconferencing.

Ms. Terlaje stated that she recently attended the American Bar Association's (ABA) National Conference of Bar Presidents Mid-Year Meetings in Kentucky. She reported that the Virgin Islands Bar Association and GBA jointly requested support from the ABA House of Delegates for Resolution 401. She added that Resolution 401 was intended to support that the Supreme Court of Guam and the other territories' highest courts should be the final arbiter of interpretation of all territorial law. Ms. Terlaje stated that there was a discussion of instances where, in certain instances, the Organic Acts of the territories are being used to obtain Federal jurisdiction to hear matters of which our local courts are interpreting territorial law. She reported that the support was gained.

Lastly, Ms. Terlaje reported that the GBA, in conjunction with the Virgin Islands Bar Association, has submitted the proposal to the ABA to showcase territorial law and indigenous rights CLE for the entire bar association for the 2024 annual meeting. If this proposal succeeds, it will be the first time that territorial law issues will be presented to the ABA.

#### **B. Court Employees Association**

Mr. Jesse C. Franquez, IFIK President, reported that the 2024 Board of Governors would be sworn in this week and start meeting to support the 2024 IFIK Court Association. He thanked the Judicial Officers, managers, and employees for their support in 2023.

Chief Justice Torres expressed gratitude for the successful Christmas party.

#### **XI. ADJOURNMENT**

**Presiding Judge Lamorena moved to adjourn until March 28, 2024 at 12:00 pm. Judge Cenzone seconded the motion, adjourning the meeting at 1:02 p.m.**

Respectfully submitted this 28<sup>th</sup> day of March 2024.



PETRINA M. ULA  
Assistant Secretary  
Judicial Council of Guam

**As set out above, the Minutes of the February 15, 2024 Regular Meeting were approved by the Judicial Council at the March 28, 2024 Regular meeting.**



**ROBERT J. TORRES**  
Chair

**Dated:** 3/28/24





**BEFORE THE 2024 JUDICIAL COUNCIL OF GUAM**

**RESOLUTION NO. JC24-003**

**RELATIVE TO RECOMMENDING APPROVAL OF  
PROPOSED AMENDMENTS TO THE SUPERIOR COURT OF GUAM  
INTERIM TRAFFIC COURT RULES**

**WHEREAS,** the Supreme Court of Guam adopted the Interim Traffic Court Rules pursuant to Promulgation Order No. 14-002-01 on June 20, 2014 and amended by Supreme Court of Guam Promulgation Order No. 20-003 on November 24, 2020; and

**WHEREAS,** the Judiciary of Guam through the Traffic Violations Bureau Clerk received a request from the Department of Agriculture Division on Animal Health concerning the issuance of citations pursuant to existing animal laws; and

**WHEREAS,** the Traffic Court has jurisdiction to hear and determine violations pursuant to Rule 3 of the Traffic Court Rules adopted in Supreme Court of Guam Promulgation Order No. 14-002-01 and as amended by Supreme Court of Guam Promulgation Order No. 20-003. Its jurisdiction is limited to violations under Titles 5, 10, and 16 of the Guam Code Annotated and Title 26 of the Guam Administrative Rules and Regulations; and

**WHEREAS,** Public Law 35-144, codified in Title 9 of the Guam Code Annotated Chapter 70, established the Protecting Animal Welfare and Safety ("PAWS") Act and created new violations related to animal neglect, animal abandonment, failure of a motorist to render aid to an injured animal, and leaving animals unattended in motor vehicles; and

**WHEREAS,** in order for the Traffic Court to exercise jurisdiction over the violations created by PL 35-144 it is necessary to amend the Superior Court of Guam Traffic Court rules which governs the practice and procedure of civil violations within the jurisdiction of the Traffic Court; and

**WHEREAS,** the Superior Court Clerk of Court, who oversees the Traffic Violations Bureau, has presented the proposed Amended Traffic Court Rules attached as Exhibit A, to the Judicial Council, which amendments will incorporate Public Law 35-144; and

**WHEREAS,** the Superior Court Clerk of Court has requested that the Judicial Council recommend that the Supreme Court of Guam, under its rule making authority, approve the proposed Amended Traffic Court Rules.

**NOW THEREFORE, BE IT RESOLVED** that the Judicial Council hereby transmit the proposed Traffic Court rules, attached as Exhibit A, to the Supreme Court of Guam and recommends the approval of the amendments by the Supreme Court.

**BE IT FURTHER RESOLVED**, that the Judicial Council further recommends the adoption of the final, permanent Traffic Court Rules by the Supreme Court.

DULY ADOPTED this 28<sup>th</sup> day of March 2024 at a duly noticed meeting of the Judicial Council of Guam.

  
\_\_\_\_\_  
**ROBERT J. TORRES**, Chairman

Dated: 3/28/24

ATTEST:

  
\_\_\_\_\_  
Jessica Perez-Jackson, Executive Secretary

Dated: 3/28/24

**EXHIBIT A**  
**JC RESOLUTION JC24-003**  
**RELATIVE TO RECOMMENDING APPROVAL OF**  
**PROPOSED AMENDMENTS TO THE SUPERIOR COURT OF GUAM INTERIM**  
**TRAFFIC COURT RULES**

**SUPERIOR COURT OF GUAM**  
**TRAFFIC COURT RULES**

**NOTE:** Adopted as interim rules pursuant to Supreme Court of Guam Promulgation Order No. 14-002-01 (June 20, 2014) and amended by Supreme Court of Guam Promulgation Order No. 20-003 (November 24, 2020) and \_\_\_\_\_ (March \_\_\_\_ 2024).

Rule 1.	Title.
Rule 2.	Scope, Purpose and Construction.
Rule 3.	Jurisdiction.
Rule 4.	Definitions.
Rule 5.	Traffic Violations Bureau.
Rule 6.	Commencement of Action.
Rule 7.	Guam Uniform Complaint and Citation.
Rule 8.	Admission - Contest.
Rule 9.	Failure to Appear - Order - Default.
Rule 10.	Contest - Trial - Evidence.
Rule 11.	Entry of Judgment.
Rule 12.	Dismissal.
Rule 13.	Repeat Offender - Penalties - Suspension.
Rule 14.	Retention of Counsel - Entry of Appearance.
Rule 15.	Appearance of the Attorney General not Required.
Rule 16.	Notice to Regulatory Agency.
Rule 17.	Amendment.
Rule 18.	Appeal.
Rule 19.	Enforcement of Judgment.
Rule 20.	<del>Interim Rules and Effective Date.</del>

## **RULE 1. Title.**

These rules shall be known and cited as the Superior Court of Guam Traffic Court Rules.

## **RULE 2. Scope, Purpose and Construction.**

- (a) Scope of Rules. These Rules govern the practice and procedure in the Traffic Court, a Division of the Superior Court of Guam for all cases involving civil violations within the jurisdiction of the Traffic Court.
- (b) Purpose and Construction. These rules are intended to provide for the just determination of all violations which fall within the jurisdiction of the Traffic Court, and to that end shall be construed to ensure simplicity, uniformity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

## **RULE 3. Jurisdiction.**

The Traffic Court shall hear and determine violations under the following statutes:

- (a) 10 GCA Chapter 34 [animal control];
- (b) 10 GCA Chapter 51, Article 2 [litter];
- (c) 10 GCA Chapter 69 [boating];
- (d) 10 GCA § 58111 [Fire Code] violations;
- (e) 10 GCA § 73110 [Fire Code] violations;
- (f) 10 GCA Chapter 90 [smoking];
- (g) 16 GCA Chapter 5 [commercial motor vehicle];
- (h) 16 GCA Chapters 3, 7, 9, 13, 19 and 26 [Vehicle Code] violations, and any violation of the Vehicle Code committed by a minor sixteen (16) years or older [19 GCA § 5103(a)(4)].
- (i) 5 GCA Chapters 60 and 63 [fish, game, forestry, and conservation]
- (j) 5 GCA Chapter 40 [mayors' enforcement of sanitary and health laws]
- (k) 26 GARR Chapter 4, Article 28 [rules governing the enforcement of public health guidance and directives during the COVID-19 public health emergency]
- (l) 9 GCA §§ 70.20, 70.50, 70.55, and 70.608 [Protecting Animals Welfare and Safety Act] violations

**NOTE:** Title 19 GCA § 5103(a)(4) removes from the jurisdiction of the Family Court any violation of the Vehicle Code committed by a person 16 years or older. Title 9 GCA § 67.401.2(b)(3) was effectively repealed by P.L. 35-0005:4 (April 4, 2019). Title 26 GARR Chapter 4, Article 28 was enacted by the Department of Public Health and Social Services pursuant to 10 GCA § 19802 and Executive order No. 2020-38. DPHSS Announcement Nov. 19, 2020. **Title 9 GCA Chapter 70 established the Protecting Animals Welfare and Safety Act amending and creating new violations (December 23, 2020).**

## **RULE 4. Definitions.**

- (a) **Abuse.** The unlawful use of a lawful process or the perversion of a process in order to obtain a result, which was not intended by the law to effect.
- (b) **Apprehending Officer.** Means any designated person employed by the Department of Parks & Recreation, the Department of Agriculture, the Guam Environmental Protection Agency, the Department of Public Health and Social Services, the Department of Public Works, all mayors and assistant mayors, and any peace officer.

**SOURCE:** 10 GCA § 51202(a) (2005).

- (c) **Moving Violation.** Any violation of the Motor Vehicle Code committed while a driver is operating a vehicle in motion, including any temporary or intermittent stop in the course of operating a vehicle in motion on any roadway or highway in Guam.
- (d) **Non-moving Violation.** Any parking or standing of a motor vehicle not in operation in violation of a statute, ordinance or regulation.
- (e) **Non-traffic Violation.** All other violations within the jurisdiction of the Traffic Court as defined in Rule 3 including but not limited to violations prescribed under 9 GCA § 67.401.2 (b)(3); 10 GCA Chapters 34, 69, 90; 10 GCA Chapter 51, Article 2; 10 GCA § 58111; 10 GCA § 73111; and 26 GARR Chapter 4 Article 28.
- (f) **Peace Officer.** The same meaning as provided for in 8 GCA § 5.55.
- (g) **Respondent.** The person cited with a violation under the jurisdiction of the Traffic Court.



- (h) **Traffic Court Judicial Officer.** A judge, judge pro tempore, magistrate judge, or referee appointed by the Chief Justice of the Supreme Court of Guam to preside over Traffic Court cases.
- (i) **Guam Uniform Complaint and Citation.** A complaint and citation issued for a violation within the jurisdiction of the Traffic Court under Rule 3, using the General Guam Uniform Complaint and Citation form, including (but not limited to) complaints and citations for litter, boating and smoking.
- (j) **Violation.** Any infraction under the jurisdiction of the Traffic Court punishable by a civil fine.

#### **RULE 5. Traffic Violations Bureau.**

There is hereby established a Traffic Violations Bureau (“TVB”) within the Superior Court of Guam at various locations. The TVB Clerk shall be under the general supervision of the Clerk of Court. The TVB Clerk, or assigned Deputy Clerk(s), shall have authority to accept a respondent’s entry of appearance, waiver of trial, admission or denial of liability, payment of fines, fees, and court costs, set trial dates and assess fines, fees, and court costs in accordance with the schedule of fees approved by the Judicial Council, on any violation for which an admission has been entered.

#### **RULE 6. Commencement of Action.**

An action is commenced when a Guam Uniform Complaint and Citation (“GUCC”) is issued by any peace officer or apprehending officer. The GUCC may also be in electronic format. The reverse side of the GUCC, except for electronic citations, shall provide for recording of the judgment. Electronic citations do not need to meet the formatting requirements but must otherwise provide the same information as a hard copy GUCC. The format of the GUCC for each scope of jurisdiction in Rule 3 shall be approved by the Clerk of Court.

#### **RULE 7. Guam Uniform Complaint and Citation.**

- (a) Filing the GUCC. The issuing agency or apprehending officer shall file the original GUCC with, or transmit the electronic citations to the TVB on or before the appearance date.
- (b) Grounds for Dismissal by TVB Clerk. The following causes may be grounds for administrative dismissal of the GUCC by the TVB Clerk:
  - (i) Failure to cite a statute, or citing an incorrect statute;
  - (ii) Upon a first violation of the provisions of the Accessible Parking statute as contained in 16 GCA §§ 3401.1(b)(1) or (c), or 3401(d), provided the respondent files a Declaration stating he/she is a disabled person under 16 GCA § 7120.1(a)(2), and the person responsible for the violation, or was with the person responsible at the time the GUCC was issued; or
  - (iii) The issuing agency or apprehending officer requests in writing that the original GUCC be voided before filing the citation.
- (c) Accounting of GUCCs Issued. The TVB shall be responsible for and reconcile all GUCCs filed or received. Each Director or agency head shall be held accountable for any and all GUCCs released to their department for use, and shall report to the TVB any unused, lost, or missing GUCCs on an annual basis.

#### **RULE 8. Admission - Contest.**

- (a) **Admission.** A respondent, or his/her designee with written authorization, may enter an admission to a violation by submitting or delivering the amount of the fine plus court costs, together with the signature by the respondent or designee on the GUCC and on a waiver of trial, to the TVB Clerk at any Traffic Court location, or by mailing the same to the Superior Court of Guam Traffic Violation Bureau, 120 West O’Brien Drive, Hagåtña, Guam 96910, or by any other approved electronic means of payment. Judgment shall be entered against the respondent after an admission imposing applicable fines and court costs, and there shall be no right to appeal.
- (b) **Contest.** A contest to the validity or regularity of a violation or process must be made at the first appearance. A designee may enter a contest, however the respondent or respondent’s counsel must personally appear to contest the violation. A hearing to contest the violation shall be scheduled pursuant to Rule 11.

**RULE 9. Failure to Appear - Order - Default.**

- (a) **First Appearance.** If the respondent fails to appear or otherwise answer the violation on or before the first appearance date, an Order to Appear shall be issued by mail ordering the respondent to appear and answer to the violation not later than thirty (30) days from the date of mailing of the Order to Appear.
- (b) **Order to Show Cause.** If the respondent fails to appear or otherwise answer the violation within thirty (30) days from the mailing of the Order to Appear, an Order to Show Cause (“OSC”) shall be issued ordering the respondent to appear at a hearing before the Traffic Court Judicial Officer.
- (c) **Entry of Default.** If the respondent is served with the OSC and fails to appear at the Order to Show Cause hearing, a default judgment may be entered against the respondent imposing maximum fines and court costs, plus legal interest of 6%. The Traffic Court Judicial Officer may issue further orders including but not limited to an order for a warrant of arrest, an Alias Order to Appear, or an Alias OSC.

**RULE 10. Contest - Trial - Evidence.**

- (a) **Scheduling a Hearing.** All contests shall be heard before the Traffic Court Judicial Officer. The TVB Clerk shall schedule a hearing on a contest on the next available date and time. The date set for hearing shall be set not earlier than twenty (20) days, and not later than thirty (30) days from the date of the respondent’s request to contest the violation. A hearing in cases involving an accident resulting in personal injury shall be set no earlier than sixty (60) days and not later than ninety (90) days from the date of the respondent’s request to contest the violation. These dates may be extended for good cause.
- (b) **Respondent to Appear Mandatory.** The respondent must appear at the hearing to contest the violation. No hearing will proceed in the absence of the respondent. Failure of the respondent to appear at the hearing shall be grounds for entry of a default judgment.
- (c) **Service of Process.** Notice of the hearing shall be served by the Superior Court Marshal to the Guam Police Department, Office of the Chief of Police, or appropriate regulatory agency. A respondent is entitled to have process issued by the Traffic Court. If the respondent requests for marshal service, the respondent must pay the marshal’s fee.
- (d) **Right to Be Heard.** All witnesses shall be heard prior to judgment and disposition.
- (e) **Evidence.** The Rules of Evidence do not apply in Traffic Court hearings.
- (f) **No Jury Trial.** There is no right to a jury trial in Traffic Court. Traffic Court is not a court of record, and therefore, no verbatim record of proceedings is required.

**RULE 11. Entry of Judgment.** A Judgment may be entered when:

- (a) A respondent admits to the violation;
- (b) The Traffic Court Judicial Officer has determined after a hearing that the respondent committed a violation; or
- (c) A respondent fails to appear after being served an Order to Show Cause or has failed to appear at trial.

**RULE 12. Dismissal.**

- (a) **After Hearing.** The GUCC shall be dismissed if the Traffic Court Judicial Officer has determined after a hearing that the respondent did not commit the violation.
- (b) **Peace Officer Not Appearing.** Failure of any peace officer or apprehending officer to appear at trial in order to prove the violation shall be grounds for dismissal.

**RULE 13. Repeat Offender - Penalties - Suspension.**

- (a) **Second Judgment within Any 12 Months.** The amount of fines to be imposed on a second judgment for the same or separate violation under the Vehicle Code, charged within any twelve (12) month period, shall be an additional fifty percent (50%) of the original fine for the current violation.

- (b) **Third Judgment within Any 12 Months.** The amount of fines to be imposed for a third judgment for the same or separate violation under the Vehicle Code, charged within any twelve (12) month period, shall be an additional seventy-five percent (75%) of the original fine for the current violation.
- (c) **Suspension of Driver's License.** The Traffic Court Judicial Officer may suspend the driver's license of a person liable for violating any provision related to a moving violation as provided in 16 GCA § 3111 for a period of thirty (30) days for a first violation, sixty (60) days for a second moving violation, and for a period not to exceed six (6) months for any subsequent violation. The TVB Clerk or designee shall take possession of the license, and retain it for the period of suspension.
- (d) **Disabled Parking.** Upon a second violation, the respondent shall be required to appear and answer under oath before the Traffic Court Judicial Officer as to the circumstances giving rise to the repeat violation, and if found in the discretion of the Traffic Court Judicial Officer to have abused the privileges of disabled parking, shall be fined not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00). If no abuse is found the violation shall be dismissed with prejudice.

**SOURCE:** 16 GCA § 3111 (2005); 16 GCA § 3401.1(d) (2005).

#### **RULE 14. Retention of Counsel - Entry of Appearance.**

A respondent may obtain an attorney to represent him/her during the pendency of the violation before the Traffic Court. The attorney must file an entry of appearance with the TVB.

#### **RULE 15. Appearance of the Attorney General not Required.**

The Attorney General will not be required to appear to prosecute violations, and the matter may proceed with the peace officer or apprehending officer, or other representative of the citing agency.

#### **RULE 16. Notice to Regulatory Agency.**

Upon entry of a judgment, the TVB Clerk shall report through electronic means, any record of the violation to the Guam Police Department and the Department of Revenue & Taxation, or other appropriate regulatory agency.

#### **RULE 17. Amendment.**

The Traffic Court Judicial Officer may permit to be amended any process or pleading or any omission or defect therein, or for any variance between the complaint and the evidence adduced at the trial. If the respondent is substantially prejudiced in the presentation of his or her case as a result of the amendment, the Traffic Court Judicial Officer shall recess the hearing to some future time, upon such terms as are just and proper.

#### **RULE 18. Appeal.**

- (a) **Trial Court.** The Superior Court shall have appellate jurisdiction to review any judgment rendered before the Traffic Court Judicial Officer. An appeal shall be taken within five (5) business days after the judgment is entered by filing a written notice of appeal and paying a filing fee in the same amount as that required for the filing of a civil case.
- (b) **Admission by Respondent.** No appeal can be taken from a judgment entered by admission of the respondent.
- (c) **De Novo.** Upon appeal by the respondent the case shall be tried on the merits *denovo*.

**SOURCE:** 7 GCA § 4102 (2005); 8 GCA §1.09(b) (2005).

#### **RULE 19. Enforcement of Judgment.**

The Administrator of the Courts ("AOC"), or the AOC's designee may undertake collection measures and efforts for fines, fees, and court costs more than sixty (60) days outstanding.

#### **~~RULE 20. Interim Rules and Effective Date.~~**

~~These Rules are interim rules to be in effect until permanent rules are promulgated by the Supreme Court of Guam. These rules shall take effect upon promulgation by the Supreme Court and shall remain in effect until adoption of the permanent rules or further order of the Supreme Court. These rules shall become effective on the date it is promulgated by the Supreme Court.~~



# Judiciary of Guam

Administrative Office of the Courts  
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910  
Tel: (671) 475-3544 • Fax: (671) 475-3184



HON. ROBERT J. TORRES  
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III  
PRESIDING JUDGE

DANIELLE T. ROSETE, ESQ.  
ADMINISTRATOR OF THE COURTS

## **MEMORANDUM**

TO: Judicial Council Members

CC: Danielle Rosete, Administrator of the Courts

FROM: Suzane Santiago-Hinkle, Staff Attorney

DATE: March 27, 2024

RE: Recommendation to Approve Proposed Amendments to the Superior Court of Guam Interim Traffic Court Rules

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This memorandum is in response to the request for a legal memorandum on the resolution to approve proposed amendments to the Superior Court of Guam Interim Traffic Court Rules.

### **Background**

The Superior Court of Guam Traffic Court Rules govern the practice and procedure of civil violations within the jurisdiction of the Traffic Court and specifically identify which violations may be heard and prosecuted. Unless otherwise amended, the Traffic Court's jurisdiction is limited to those violations listed in its Rule 3.

On February 15, 2024, the former Clerk of Court presented a resolution recommending the approval of proposed amendments to the Superior Court of Guam Interim Traffic Court Rules to members of the Judicial Council. This resolution would allow the Traffic Court to have jurisdiction over the violations under Public Law 35-144. PL 35-144 established the Protecting Animals Welfare and Safety (PAWS) Act, also known as Pugua's Law, which increased civil liabilities and criminal sentences, created new criminal charges, and repealed previous protections for landowners. In addition, the resolution also recommends that the Judicial Council recommends the adoption of the final, permanent Traffic Court Rules by the Supreme Court.

The Presiding Judge stated that jurisdiction of the Traffic Court is limited to civil violations and raised a concern with incorporating the PAWS Act which is in Title 9 or the criminal code. In response, the former Clerk of Court indicated that the proposed language for consideration articulates it would be limited in scope to those provisions that are violations. She also added that



while the PAWS Act does contain several provisions that provide for felony and misdemeanor crimes, there are provisions that are specifically set out as violations punishable by no more than a fine. I have reviewed the violations and offenses under the PAWS Act including the penalty associated below:

<b>Citation</b>	<b>Offense</b>	<b>Penalty</b>
9 GCA §70.20	Animal Neglect (Violation)	\$500 fine
9 GCA §70.25(a)(1)	Animal Abuse (cause physical injury to animal)	Misdemeanor
9 GCA §70.25(a)(2)-(3)	Animal Abuse (cause serious physical injury to an animal or cause death of an animal)	Third Degree Felony
9 GCA §70.30	Aggravated Animal Abuse	Second Degree Felony
9 GCA §70.35	Animal Fighting	Third Degree Felony
9 GCA §70.40	Sexual Assault of an Animal	Third Degree Felony
9 GCA §70.45	Bodily Alterations, Disablements, or Removals	Misdemeanor
9 GCA §70.50	Animal Abandonment	\$500 fine
9 GCA §70.55	Failure of a Motorist to Render Aid to an Injured Animal	\$300 fine
9 GCA §70.60	Leaving Animals Unattended in Motor Vehicles	\$500 fine

### **Analysis**

The Guam Legislature’s Legal Bureau recommended technical amendments to the PAWS act in order to avoid any confusion between criminal or civil provisions. Among the recommendations are: (1) Recommendation to clarify proposed language on animal abandonment, namely “if it is ‘not’ a crime, references to the commission of a crime in the proposed statute should be removed and the change reconciled throughout the bill” and (2) Recommendation to clarify language throughout the bill on what provisions are truly criminal and what are civil and to use corresponding language, so as to prevent confusion and potential challenges based on the vagueness or ambiguity of the law.

In its final form, the Legislature adopted the changes recommended by their Legal Bureau and removed references to “crime” in the statute regarding animal abandonment. The proposed language for animal abandonment included the following:

A person commits the **crime** of animal abandonment if the person intentionally, knowingly, recklessly, **or with criminal negligence** leaves an owned or possess

animal at a location without providing for the animal's minimum care as defined in this Chapter.

The final language for animal abandonment, in its relevant parts state:

A person commits the **offense** of Animal Abandonment if the person intentionally, knowingly, or recklessly leaves a domestic animal at a location without providing for the animal's minimum care.

(9 GCA §70.50). By adopting these recommendations and removing references to "crime" in certain provisions, the Legislature signaled its intent to delineate between criminal offenses and civil violations within the statute.

There are four sections of PL 35-144 which appear to be violations rather than "crimes." Title 9 GCA § 70.20 is titled "Animal Neglect (Violation)," is described as an "offense" rather than a "crime," and is punishable only by a fine. Title 9 GCA §§ 70.50 (Animal Abandonment), 70.55 (Failure of a Motorist to Render Aid to an Injured Animal), and 70.60 (Leaving Animals Unattended in Motor Vehicles) are also "offenses" rather than "crimes" and are punishable only by fine. These four sections appear to be civil violations and can be brought within the jurisdiction of the Traffic Court.

By contrast, 9 GCA §§ 70.25 (Animal Abuse), 70.30 (Aggravated Animal Abuse), and 70.40 (Sexual Assault of an Animal) are each called a "crime" and are explicitly defined as either a misdemeanor or felony. Title 9 GCA § 70.35 (Animal Fighting) does not use the word "crime" but it is defined as a felony and specifically provides for the punishment of "confinement in a correctional facility." Title 9 GCA § 70.45 (Bodily Alterations, Disablement, or Removals) also does not use the word "crime" but it is defined as a misdemeanor. These five sections appear to be criminal, rather than civil, and should not be brought within the jurisdiction of the Traffic Court. While we recognize that the Traffic Court's jurisdiction is limited to civil violations, the proposition is to incorporate only the portions of PL 35-144 that are civil violations and not those that qualify as criminal offenses. Meaning, only violations of Sections 70.20, 70.50, 70.55, and 70.60 shall be incorporated and added to Rule 3 of the Traffic Court Rules.

### **Recommendation**

The Traffic Court can take jurisdiction over the violations under PL 35-144 (those created by 9 GCA §§ 70.20, 70.50, 70.55, and 70.60), but Rule 3 of the Traffic Court Rules would need to be amended.



**BEFORE THE 2024 JUDICIAL COUNCIL OF GUAM**

**RESOLUTION NO. JC24-004**

**RELATIVE TO UPDATING THE JUDICIARY'S CLASSIFICATION  
AND COMPENSATION POLICY**

- WHEREAS,** pursuant to 7 GCA § 5102(d), the Judicial Council is authorized to set salaries of all employees of the Judicial Branch; and
- WHEREAS,** on September 22, 2023, the Judicial Council directed the Administrator of the Courts to conduct a review of judicial officer salaries, based on data from the National Center for State Courts (NCSC), and consistent with Resolution No. JC14-024 and Resolution No. JC17-024; and
- WHEREAS,** both Resolution Nos. JC14-024 and JC17-024 utilized a methodology that is consistent with the government of Guam Competitive Wage Act of 2014 (“CWA”); and
- WHEREAS,** the CWA classified the positions of Chief Justice, Associate Justice, Presiding Judge, Judge, and Magistrate as “Rate of Pay” positions and articulated that salaries for such positions should be in line with market norms for similar organizations; and
- WHEREAS,** it is the determination of Council that market norms for judicial officer positions are reflected by the Survey of Judicial Officer Salaries (“Survey”) published by the NCSC which sets the median salary for a judge of a general jurisdiction trial court at \$181,250, the median salary for an associate justice of a court of last resort at \$197,432, and the median salary of a chief of the highest court at \$208,983; and
- WHEREAS,** given the median rates for judicial officers as reflected in the Survey and with a commitment to fiscal stewardship, Judiciary management proposed salary adjustments as outlined in Exhibit A; although lower than the national median, these adjustments ensure that the salary of a Superior Court judge surpasses the highest compensated Judiciary employee by at least \$2,000, consistent with the Judiciary of Guam’s Personnel Rules and Regulations; and
- WHEREAS,** upon completing their review, Judiciary management consulted the NCSC for an additional review to validate the Judiciary’s proposed salary schedule and methodology; and
- WHEREAS,** the NCSC confirmed that Guam’s judicial salaries have lagged behind the national average for at least ten (10) years, and noted that Guam ranks as the eighth (8<sup>th</sup>) most expensive state/territory, which is a significant factor in salary considerations; and
- WHEREAS,** the NCSC further indicated that this trend that is likely to persist if judicial compensation in Guam is not adjusted at this time; and
- WHEREAS,** the Council further recognizes the critical role and additional duties of the Presiding Judge of the Superior Court of Guam, following unification of the Judiciary of Guam, as detailed in Exhibit B; and

**WHEREAS,** in recognition of the Presiding Judge's additional duties, the Judicial Council has historically maintained a \$15,000 salary differential between the Presiding Judge and a Superior Court judge, as seen in Resolution No. JC14-024 and Resolution No. JC17-024; and

**WHEREAS,** considering the approximate \$16,000 national salary gap between trial court judges and associate justices, and acknowledging the Presiding Judge's salary is a reference between the trial court judges and supreme court justices, a \$10,000 differential is deemed reasonable, fiscally responsible, and aligns with national compensation trends as verified by data from the NCSC; and

**NOW THEREFORE, BE IT RESOLVED** that the proposed salaries of judicial officers at the Judiciary of Guam are reasonable based on data from the National Center for State Courts (NCSC), and consistent with Resolution No. JC14-024 and Resolution No. JC17-024; and

**BE IT FURTHER RESOLVED,** that 8.200(d) of the Judiciary of Guam's Personnel Rules and Regulations is amended as follows:

#### **ATTORNEYS**

- a.** Upon satisfactory review, Attorneys at Steps 1 through 6 shall be entitled to a salary increment after twelve (12) months, and Steps 7 through 9 after eighteen (18) months. Attorneys at Step 10 or above shall receive an increment after twenty-four (24) months with a 3.1% increase upon satisfactory review.
- b.** ~~The annual salary of a Superior Court Judge shall be at least Two Thousand Dollars (\$2,000) higher than the annual salary of the highest compensated employee under the Attorney Pay Plan at the Judiciary of Guam. The annual salaries of the Presiding Judge, Associate Justices, and Chief Justice of the Judiciary of Guam shall be adjusted accordingly, consistent with the compensation requirements under 7 GCA and the methodology of the government of Guam Competitive Wage Act of 2014.~~


**BE IT FURTHER RESOLVED,** that the Statement of Policy under Chapter 7: Classification and Compensation of the Judiciary of Guam's Personnel Rules and Regulations is amended as follows:

Pursuant to 7 GCA § 5102(d), the Judicial Council is authorized to adopt a pay plan for classified and unclassified employees of the Judiciary. This Chapter is to develop and maintain a system for the objective, consistent and timely classification of all positions and for the reasonable assignment of classes of positions to pay grades. Compensation of position classes shall be based on know-how, problem solving, and accountability. Where not otherwise specified by laws, pay relationships shall take into consideration prevailing wage in the primary area of recruitment for the same or related classes of positions. It is the policy of the Judiciary that the annual salary of a Superior Court Judge shall be at least Two Thousand Dollars (\$2,000) higher than the annual salary of the highest compensated employee who is not a judge or justice at the Judiciary of Guam.



**BE IT FURTHER RESOLVED**, that the proposed pay adjustments, as reflected in Exhibit A, shall be effective October 1, 2024, subject to the availability of funds as appropriated by the Legislature of Guam in the Fiscal Year 2025 Budget.

**DULY ADOPTED** this 28<sup>th</sup> day of March 2024 at a duly noticed meeting of the Judicial Council of Guam.

  
\_\_\_\_\_  
**ROBERT J. TORRES**, Chairman  
Dated: 3/28/24

ATTEST

  
\_\_\_\_\_  
Jessica Perez-Jackson, Executive Secretary

Dated: 3/28/2024

**EXHIBIT A: Financial Impact of Proposed Pay Adjustments to Judicial Officer's Pay effective 10/1/2024**  
**JC Resolution No. 24-004**  
**Relative to Updating the Compensation and Classification Policy**

**I. Estimated financial impact**

Position	Salary per annum as of 10/1/2024	Proposed salary per annum eff 10/1/2024	Change (%)
CHIEF JUSTICE	\$ 179,000	\$ 185,927	3.87%
ASSOCIATE JUSTICE	\$ 177,000	\$ 183,927	3.91%
ASSOCIATE JUSTICE	\$ 177,000	\$ 183,927	3.91%
PRESIDING JUDGE	\$ 176,000	\$ 182,927	3.94%
JUDGE	\$ 172,927	\$ 172,927	
MAGISTRATE JUDGE	\$ 155,635	\$ 155,635	
FAMILY COURT REFEREE	\$ 155,635	\$ 155,635	
ADMINISTRATIVE HEARING OFFICER	\$ 155,635	\$ 155,635	
<b>TOTAL</b>			

Impact to FY2025		
Gross pay	Fringe Benefits	Gross Pay + Fringe Benefit
\$ 6,953	\$ 2,350	\$ 9,303
\$ 6,953	\$ 2,350	\$ 9,303
\$ 6,953	\$ 2,350	\$ 9,303
\$ 6,953	\$ 101	\$ 7,054
\$ -	\$ -	\$ -
\$ -	\$ -	\$ -
\$ -	\$ -	\$ -
\$ -	\$ -	\$ -
<b>\$ 27,812</b>	<b>\$ 7,151</b>	<b>\$ 34,963</b>

**II. Comparison of proposed rates with NCSC median salary**

Position	Proposed salary per annum eff 10/1/2024	Median salary	Diff (\$)	Diff (%)
CHIEF JUSTICE	\$ 185,927	\$ 210,531	\$ (24,604)	-13.23%
ASSOCIATE JUSTICE	\$ 183,927	\$ 203,051	\$ (19,124)	-10.40%
JUDGE	\$ 172,927	\$ 182,529	\$ (9,602)	-5.55%

**Exhibit B: Statutory Duties of Presiding Judge**  
**Resolution No. JC24-004**  
**Relative to Updating the Compensation and Classification Policy**

<b>Citation</b>	<b>Duty</b>	<b>Statute/Court Rule</b>
7 GCA § 4103 and AR24-001	Case Assignment	The presiding judge of the Superior Court shall prescribe the order of business and randomly assign the cases to the Judges, Referees, and Hearing Officers of the Court in conformance with rules and regulations promulgated by the Supreme Court.
15 GCA § 305	Open, Examine and File Deposited Wills	The Presiding Judge of the Superior Court of Guam, upon the delivery to him of a deposited will under the provisions of Section 303(b) of this Title, shall forthwith publicly open the envelope in which the will is contained, examine the will, and file the will in the office of the Clerk of the Superior Court of Guam. Such will shall remain filed in the office of the Clerk of the Superior Court of Guam until duly proved, or until jurisdiction is lawfully established in some other court as the proper venue for probate
7 GCA § 4401	Appoint MJ as Special Master/ Settlement Judge	Appoint Magistrate Judge to serve as special Master or settlement judge in a civil or domestic case
7 GCA § 5101	Appoint Another Judge as member of Judicial Council	Presiding Judge will appoint a superior court judge to serve on the Judicial Council  The Presiding Judge, in his or her absence, or the absence of the other Superior Court Judge, may appoint from among the Judges an alternate to sit on the Judicial Council to ensure an adequate number of members from the Superior Court of Guam.
7 GCA 9203	Serve/Appoint Member to Serve on Guam Law Library Board	The presiding judge of the Superior Court may appoint himself or herself, or one (1) Judge of the Superior Court to serve <i>ex officio</i> as a trustee or, in the event a Judge chooses not to serve, the presiding judge shall appoint a Law Clerk in the employ of the Superior Court or a member of the Guam Bar to serve as trustee for a term of three (3) years;
7 GCA § 9215	Provide Copy of DNO to Guam Law Library	The presiding judge of the Superior Court shall cause to be transmitted to the Guam Law Library at least one (1) copy of every decision, opinion and order of the Superior Court, and at least one (1) copy of all rules promulgated by the Superior Court.
Administrative Duty	Appoint Clerk of Court	Appoint the Superior Court Clerk in collaboration with the Chief Justice.
Administrative Duty	Nominate Chief Probation Officer	Nominate a Chief Probation Officer in collaboration with the Chief Justice.
19 GCA §5502	Assign Pre-adjudication Matters to	The presiding judge of the Superior Court may assign such other pre-adjudication matters as he considers proper, and in conformance with Rules and Regulations promulgated by the Supreme Court, to the Courts

	Referee for Family Division	established under the Superior Court, including, the Family Division matters as provided in § 5113 of Title 19 of the Guam Code Annotated, provided such assignments do not impair the principal purpose of the Division as set out in Subsection (a) of § 5502.
11 GCA § 11107	Serve on PDSC board	All powers vested in the [PDSC], except as otherwise provided in this Chapter, shall be exercised by the Board. The Board shall consist of five (5) Trustees: the Chief Justice of the Supreme Court of Guam, who shall be Chairman; the presiding judge of the Superior Court of Guam who shall be Vice-Chairman; the President of the Guam Bar Association; and two (2) members appointed by the Chief Justice of the Supreme Court of Guam, whose terms shall be for three (3) years.
9 GCA § 67.412	Receive Assignment of expungement cases	Any application for expungement pursuant to the participation in the drug treatment options between January 1, 1995 and December 31, 2005, shall be filed in the original criminal case file number in the same way as adjudications pursuant to Subsection (b) of this Section are currently handled, and all such requests for expungement shall be assigned to the presiding judge of the Superior Court of Guam.
7 GCA § 3103	Request Temporary Assignment of Judge	A Superior Court Judge who is elevated to the Supreme Court of Guam, may sit as a designated Judge of the Superior Court at the direction of the Chief Justice as requested by the presiding judge of the Superior Court for the purpose of hearing matters, which were pending before the Justice, immediately prior to his or her elevation from the Superior Court to the Supreme Court.
7 GCA § 6108	Request Judge Pro Tempore	When there is no Judge qualified or available to hear a case, action or hearing in the Superior Court, the presiding judge shall request the Chief Justice to appoint a Judge <i>pro tempore</i> to hear the matter.
1 GCA § 1611	Serve on Guam Code Advisory Commission	The Guam Code Advisory Commission shall be comprised as follows: The presiding judge of the Superior Court of Guam, or his or her designee.
8 GCA § 50.10	Grand Jury Duties	(b) The chief judge of the superior court shall order one or more grand juries to be summoned at such times as the public interest requires. A grand jury shall consist of not less than sixteen nor more than twenty-three members and the court shall direct the clerk of the court to summon a

		sufficient number of legally qualified persons to meet this requirement.
Rule 1.01 GRGAPL	Serve on BOLE	The Board of Law Examiners shall consist of the Chief Justice and Associate Justices of the Supreme Court of Guam as members, and the presiding judge of the Superior Court of Guam and President of the Guam Bar Association as ex officio members. The Chief Justice or his designee shall serve as the Chairperson. The Clerk of the Supreme Court shall serve as the ex officio secretary-treasurer of the Board.
Local Rules 4.2	Approve Duties of Referee	A referee shall have the following duties in family law matters: To discharge on behalf of the Superior Court, subject to the approval by the presiding judge, any other duties the Superior Court may have under 5 GCA Chapter 34 relating to child support enforcement.
Local Rules 7.1	Delegate Duty to Hear Contempt Proceeding to Referee	The presiding judge specifically delegates his duty to hear contempt proceedings to the referee. The referee may find an obligor in contempt if the referee finds that the obligor is in arrears and if the referee finds that the obligor has knowledge of the order and the ability to pay the amount due under the support order. Upon finding an obligor in contempt of court under this section, the referee may immediately recommend sanctioning the obligor as follows:
CVR 7.1.1	Designate Ex Parte Judge	All applications for ex parte orders shall be heard by the judge assigned to the case unless the judge is unavailable. All other applications for ex parte orders shall be filed by 10:00 AM to be heard at 1:30 PM by the judge designated by the presiding judge as the ex parte judge, unless the ex parte judge in his or her discretion decides otherwise.
Rule 70 GRCP	Approve Civil Docket Form	The clerk shall keep a permanent memorial or record known as the "civil docket" of such form and style as may be prescribed by the presiding judge of this court with the approval of the Judicial Council, and shall enter therein each civil action to which these rules are made applicable.
7 GCA Chapter 22	Petit Jury	Work with Jury Commissioner and Clerk of Court regarding petit jury operations, including review of requests for excusals for prospective jurors.
Administrative Duty	Special Process Server Program	Oversees the Program and reviews and grants applications from special process servers.

Administrative Duty	Committee on Judicial Discipline	Serves as Chairperson on Judicial Discipline Committee as appointed by the Judicial Council.
12 GCA 11107(a)	Board Member	Serves as the Vice-Chairman for the Public Defender Services Corporation Board of Trustees
Administrative Duty	Criminal Matters	Collaborate and communicate with court partners on criminal procedural matters involving the administration of justice, i.e, magistrate and arraignment proceedings.
Administrative Duty	Treatment Courts	Work with various Superior Court Divisions to ensure treatment courts established by statute and promulgated by the Supreme Court are organized, evaluated, and comply with federal grant requirements.



**BEFORE THE 2024 JUDICIAL COUNCIL OF GUAM**

**RESOLUTION NO. JC24-005**

**RELATIVE TO PROCLAIMING APRIL 2024 AS SECOND CHANCE MONTH**

**WHEREAS,** the Second Chance Act, passed by Congress and signed into law by President George W. Bush on April 9, 2008 aimed to enhance public safety by breaking the cycle of criminal recidivism and improving outcomes for people returning from prisons, jails, and juvenile facilities; and

**WHEREAS,** reentry refers to the transition of offenders from prison to community supervision; and

**WHEREAS,** in 2015, the Judiciary of Guam received an award from the Bureau of Justice Assistance (BJA) Second Chance Act demonstration grant to establish the Guam Adult Reentry Court in order to provide reentry services to individuals 18 years or older who are assessed as medium-to high-risk for recidivism using evidence-based tools; and

**WHEREAS,** in 2016, during the inaugural National Reentry Week, the Department of Justice sponsored events designed to raise awareness of the importance of successful reentry; and

**WHEREAS,** in April of 2018, at the recommendation of the Judicial Council of Guam, the Supreme Court of Guam established the Guam Adult Reentry Court Program as a specialized treatment program within the Superior Court of Guam through Promulgation Order 18-003-01; and

**WHEREAS,** in 2018, the Judiciary of Guam received funding through the U.S. Department of Justice, Office of Justice Programs under the FY18 Improving Reentry for Adults with Co-occurring Substance Abuse and Mental Illness (CSAMI); and

**WHEREAS,** the Judiciary recognizes the importance of utilizing evidence-based risk assessment tools to guide the development of individualized case plans identifying the participants' risk and needs to be addressed; and

**WHEREAS,** incarcerated persons with co-occurring substance abuse and mental illness reentering the community face many challenges in obtaining adequate and effective services such as supervision, access to treatment, formal peer recovery support services, and access to wraparound services; and

**WHEREAS,** other challenges faced by formerly incarcerated individuals reentering society include, but are not limited to, the need for family support, transitional housing, government identification documentation, health care and health insurance, workforce development, employment, legal services, and transportation services; and



**WHEREAS,** in an effort to sustain the program and provide additional services, the Judiciary applied for funds in 2023 under the BJA FY 2023 Improving Substance Use Disorder Treatment and Recovery Outcomes for Adults in Reentry solicitation and was awarded for the enhancement of its existing Guam Adult Reentry Court Program; and

**WHEREAS,** the Guam Adult Reentry Court has and continues to partner with various government, non-profit, and private sector organizations in the delivery of services to support individuals who volunteer and participate in the program.

**NOW THEREFORE, BE IT RESOLVED** that the Judicial Council of Guam does hereby recognize the month of April 2024 as Second Chance Month, recognizing all those reentering and committed to rejoining society as positive and engaged members of our community and workplaces, and making meaningful contributions to our island. The Judicial Council of Guam, on behalf of the Judiciary of Guam, urges the people of Guam to use this occasion to reflect on the collaborative efforts of our community partners and the positive changes brought about by the Guam Adult Reentry Court Program in helping individuals rebuild their lives as they transition back into our island community, thereby building second chances.

**DULY ADOPTED** this 28th day of March 2024 at a duly noticed meeting of the Judicial Council of Guam.

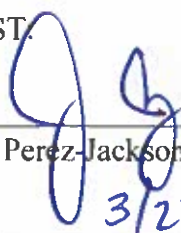


ROBERT J. TORRES, Chairman

Dated: \_\_\_\_\_

3/28/24

ATTEST.

  
\_\_\_\_\_  
Jessica Perez-Jackson, Executive Secretary

Dated: \_\_\_\_\_

3/28/24